

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM WHITSITT,

No. C 08-771 WDB

Plaintiff(s).

ORDER FOLLOWING INITIAL CASE
MANAGEMENT CONFERENCE

v.

PERRY TOOL & RESEARCH, et al.

Defendants.

_____ /

On May 22, 2008, the parties appeared for an Initial Case Management Conference.

As an initial matter, the undersigned explained to Mr. Whitsitt, appearing pro se, and to counsel for Defendants the distinction between a Magistrate Judge and a District Court Judge. Both Mr. Whitsitt and counsel for Defendants expressed their desire to consent to Magistrate Judge jurisdiction and for the undersigned to preside over their case for all purposes. Mr. Whitsitt and counsel for Defendants then signed the Court's form to Consent to Proceed Before a United States Magistrate Judge. The forms were filed on May 22, 2008.

In their Joint Case Management Conference Statement, and on the record during the Conference, the parties indicated that they were amenable to attempting to resolve this action through mediation in the Court's ADR program. Accordingly, the Court decided to defer setting a trial date until after the parties have attended the mediation and encouraged the parties to use the time leading up to the mediation to undertake whatever surgical discovery each side believes is necessary to have a productive mediation.

To this end, the Court ordered that **by no later than Friday, May 30, 2008**, Mr. Whitsitt and counsel for Defendants must meet and confer to plan for the surgical discovery

1 they intend to undertake. The Court hereby ENTERS a Protective Order for all information
2 and documents exchanged between the parties. No party or counsel for any party may
3 disclose any information or documents to anyone unaffiliated with this lawsuit. No party or
4 counsel for any party may use any information or documents obtained through discovery for
5 anything other than the purposes of this litigation. The parties and counsel must return all
6 copies of documents to the party that produced the documents and no further copies may be
7 made by the party (or counsel) to whom the documents were produced.

8 The undersigned will forward a copy of this Order to the Court's ADR Program, and
9 a staff member from the program will contact Mr. Whitsitt and counsel for Defendants to
10 schedule a mediation to occur between September 15, 2008, and September 30, 2008, with
11 a court-appointed mediator who has experience with employment-related causes of action.

12 If the parties are not able to resolve the case, they must appear before the undersigned
13 on **Wednesday, October 8, 2008, at 1:30 p.m.**, for a further case management conference
14 during which the Court will set a trial date. Counsel for either party may appear by telephone
15 for the conference by notifying the undersigned's administrative law clerk at least two days
16 before the hearing at (510) 637-3324. **By no later than Monday, October 6, 2008, at noon,**
17 the parties must file a Further Joint Case Management Statement informing the Court of what
18 discovery already has taken place and suggesting a specific case development plan and
19 schedule.

20 If the matter settles before October 8, 2008, the parties must promptly prepare and file
21 dismissal papers and notify the Court by calling (510) 637-3324.

22 IT IS SO ORDERED.

23 Dated: May 23, 2008

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25 
26 WAYNE D. BRAZIL
27 United States Magistrate Judge
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